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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ESTATE OF FERNANDO SAUCEDA, by and
through its Special Administrator, Irene
Sauceda; IRENE SAUCEDA, individually, and
as natural parent and guardian of FERNANDO
SAUCEDA, a minor; SEBASTIAN
SAUCEDA, a minor; and GIOVANNA
SAUCEDA, a minor,

Plaintiffs,

vs.

CITY OF NORTH LAS VEGAS, a corporate
city of the State of Nevada; NORTH LAS
VEGAS POLICE DEPARTMENT, an entity of
the CITY OF NORTH LAS VEGAS;
OFFICER JEFFREY POLLARD; DOE
POLICE OFFICERS I through XX, inclusive,
individually and in their official capacity;
DOES XXI through XXX, inclusive; ROES
XXXI through XL, inclusive,

Defendants,

Case No.: 2:11-cv-02116-GMN-NJK

**STIPULATION AND ORDER TO EXTEND
TIME TO FILE SUPPLEMENTAL BRIEFS
AND ARGUMENT ORDERED BY ECF NO.
150**

/First Request/

1 COME NOW Plaintiffs Estate of Fernando G. Saucedo, by and through its Special
2 Administrator, Irene Saucedo, Irene Saucedo, individually, and as natural parent and guardian of
3 Fernando Saucedo, a minor, Sebastian Saucedo, a minor, and Giovanna Saucedo, a minor, by and
4 through their attorneys of record, Murdock & Associates, Chtd. and Eckley M. Keach, Chtd., and
5 Defendants City of North Las Vegas, North Las Vegas Police Department and Officer Jeffrey
6 Pollard, by and through their counsel, Robert W. Freeman, Jr., Esq., and hereby stipulate as
7 follows:
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9 1. Immediately prior to the hearing on the pending Renewed Motion for Summary Judgment
10 (ECF No. 140), the parties apprised the Court of a recent 9th Circuit Opinion in **Mendez v. Cty. of**
11 **L.A.**, Nos. 13-56686, 13-57072, 2018 U.S. App. LEXIS 20907 (9th Cir. July 27, 2018). This was
12 the remanded opinion ordered by the United States Supreme Court in **Cty. of L.A. v. Mendez**,
13 137 S. Ct. 1539 (2017). The parties agreed at that time that further briefing was necessary as the
14 9th Circuit Opinion set out a detailed legal analysis on issues that affect the case at bar. This Court
15 concurred and set out a briefing schedule and a new date for oral argument in ECF No. 150.
16

17 2. However, just a few days ago on August 10, 2018, a Motion for Rehearing was filed in
18 **Mendez v. Cty. of L.A.**, Nos. 13-56686, 13-57072. Though the opinion in **Mendez v. Cty. of**
19 **L.A.**, Nos. 13-56686, 13-57072, 2018 U.S. App. LEXIS 20907 (9th Cir. July 27, 2018) was
20 published, the parties herein believe that prudence dictates the parties wait for briefing and oral
21 argument in this matter until the 9th Circuit makes a final ruling on the matter as the issues in
22 **Mendez** have a significant effect on the instant matter.
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1 3. Therefore, the briefing schedule and oral argument set out in ECF No. 150 should be
2 vacated pending the decision of the 9th Circuit on the Motion for Rehearing in **Mendez v. Cty. of**
3 **L.A.**, Nos. 13-56686, 13-57072. Counsel will watch the 9th Circuit docket and will immediately
4 notify this Court when a decision is finalized and when briefing and oral argument in this matter
5 can be set for.
6

7
8 DATED this 14th day of August 2018.

DATED this 14th day of August 2018.

9 MURDOCK & ASSOCIATES, CHTD.
10 ECKLEY M. KEACH, CHTD.

LEWIS BRISBOIS BISGAARD & SMITH

11 /s/ Robert E. Murdock
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/s/ Robert W. Freeman, Jr.
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Attorney for Defendants

15 **ORDER**

16 **IT IS HEREBY ORDERED** that the parties' stipulation to extend time is **GRANTED in**
17 **part** and **DENIED in part**.

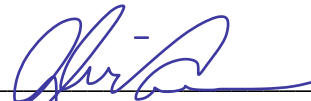
18 **IT IS FURTHER ORDERED** that the Court's prior order, (ECF No. 150), setting a
19 briefing schedule and oral argument hearing is hereby **VACATED**.

20 **IT IS FURTHER ORDERED** that, because the Ninth Circuit's final ruling in *Mendez* will
21 impact the disposition of the instant case, the Court hereby **STAYS** this case pending the Ninth
22 Circuit's decision.

23 **IT IS FURTHER ORDERED** that the parties shall submit joint status reports every sixty
24 (60) days until the Ninth Circuit issues a dispositive decision in *Mendez*. The first joint status
25 report is due sixty (60) days from the issuance of this Order.

26 **IT IS SO ORDERED.**

27 DATED this 15 day of August, 2018.

28


Gloria M. Navarro, Chief Judge
UNITED STATES DISTRICT COURT